REMARKS

Oath or Declaration Requirement

The applicant maintains that the original oath submitted with the application as filed satisfies all the requirements of 37 CFR 1.63. The submitted oath does not specifically refer to any amendment. Therefore, the requirement "1.63(b)(2) State that the person ... has review and understands the contents ..., as amended by any amendment specifically referred to in the oath or declaration" has been satisfied by the inventor's statement "I have reviewed and understand the contents of the above-identified application specification, including the claims" because there is no amendment referred to in the oath.

Claim Objections

The applicant has corrected the typographical error in claim 28, which was originally numbered as 18 as filed, and requests that the objection be withdrawn.

Allowable Claims

The applicant recognizes that dependent claims 11-14, 22-25, and 33-36 would be allowable if rewritten in independent form. The office action identifies reasons related to allowability of the claims. The applicant maintains that there are other reasons for patentability of the claims. For instance, each of these dependent claims further limits the patentable subject-matter defined by amended independent claims 1, 15, and 26.

Claim Rejections

Claims stand rejected on grounds including the following:

- Independent claims 1, 15, and 26, and dependent claims 2-3, 5, 7-10, 16, 18-21, 27, and 29-32 as anticipated by Kung (US Pat. 5,265,159) under 35 U.S.C. § 102(b).
- Dependent claim 4 as obvious over Kung in further view of DeFelice (US Pat. 6,414,884) under 35 U.S.C. § 103.

- Dependent claims 6, 17, and 28 as obvious over Kung in further view of Langford (US Pat. 6,507,911) under 35 U.S.C. § 103.

Claim 1 defines a system for storing data in digital form, which comprises a storage medium to store digital data, a storage control module that encrypts digital data in response to a storage request and decrypts digital data in response to a retrieval command, and a sanitization control module to make selected decryption keys unavailable to the storage control module to disable subsequent decryption of associated data.

The applied art does not disclose or suggest the foregoing features of claim 1, particularly with respect to encrypting data in response to a storage request.

Kung describes a method of securely deleting a file by applying an encryption algorithm when a user makes a secure deletion request. (Abstract; column 1, lines 43-45). In a traditional file deletion process, only the file pointer is deleted from the file directory, leaving unencrypted data on the storage medium. (Column 3, lines 11-17; see also column 2, lines 15-19). Kung provides a modification of this process by which a secure deletion request triggers an encryption process. (Column 3, lines 18-20). When this process is triggered, Kung suggests that the unencrypted file to be deleted be read from storage, encrypted, and then written back to storage. (Column 3, line 67 through column 4, line 2). Thus, the Kung method does not suggest storing data in encrypted form in response to a storage request as required by claim 1.

Independent claims 15 and 26 correspond generally to claim 1. These claims are also allowable for at least the same reason noted above with respect to claim 1.

Each of the dependent claims are allowable for at least the same reasons as the independent claims upon which they respectively depend.

Furthermore, pending dependent claim 7, as well as newly added claim 37, recites a decryption key store configured to store decryption keys and to allow access to the stored information without disclosing the decryption key to the source of the storage request. The prior art does not teach the foregoing features.

In contrast, upon receiving a secure deletion request, the Kung method encrypts the file using a user-provided key originating outside the system. (Figure 1; column 3, lines 41-42). Further, an objective of the Kung method is to provide for file recovery by an authorized user. (Column 1, lines 35-39). If a recovery option is selected, Kung suggests that the "key is stored or retained by the user in a secure location external to the computer system." (Column 3, lines 50-51; see also column 2, lines 33-35). Therefore, Kung teaches away from using a storage medium to store decryption keys and from withholding disclosure of the keys in the decryption key store.

Also, dependent claim 10 recites a key generator configured to generate a decryption key used by the digital data storage subsystem. The prior art does not disclose this feature. On the contrary, Kung specifically provides that in both the "one way" and "two way" deletion modes, the encryption process use "a random external key." (Column 3, lines 33-49; see also Figure 1). The key is then retained by the user in a location external to the computer system. (Column 3, lines 49-50). Subsequent decryption under the Kung process, then, relies on user entry of the key rather than storage subsystem generation of the key. (Column 4, 4-7; see also column 2; lines 34-36). Thus, Kung does not disclose or suggest a key generator, and indeed teaches away from the storage subsystem including a key generator configured to generate decryption keys.

Finally, newly added dependent claim 38 defines an interface to connect the digital data storage subsystem to one or more data utilization devices over a communications link. The prior art does not teach this feature. Instead, Kung discloses "an enhancement for the existing file deletion function of [an] operating system." (Column 2; lines 15-17). Further, Kung teaches a routine or program that runs on a computer system. (Column 3, lines 2-6). Therefore, Kung does not suggest a digital data storage subsystem using "an interface to connect to one or more data utilization devices over a communications link."

The applicant also added independent claim 40, which is allowable over the art of record.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above

may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a $225 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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